

1 Elissa D. Miller
2 *emiller@sulmeyerlaw.com*
3 333 South Grand Avenue, Suite 3400
4 Los Angeles, California 90071
5 Telephone: 213.626.2311
6 Facsimile: 213.629.4520

7 Chapter 7 Trustee

8 **UNITED STATES BANKRUPTCY COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION**

10 In re

11
12 SIMPLY HYBRID, LLC,

13
14 Debtor.

Case No. 2:21-bk-11697-BR

Chapter 7

**TRUSTEE'S RECOMMENDATION RE
REPORT OF AUCTIONEER AND
COMPENSATION OF AUCTIONEER FEES
AND EXPENSES AND EXONERATION OF
AUCTIONEER'S BOND**

**[Auctioneer Report Submitted
Concurrently Herewith]**

**[Proposed Order Uploaded Concurrently
Herewith]**

[No Hearing Required]

20
21 **TO THE HONORABLE BARRY RUSSELL, UNITED STATES BANKRUPTCY JUDGE,**
22 **THE OFFICE OF THE UNITED STATES TRUSTEE AND TO ALL PARTIES IN**
23 **INTEREST:**

24 Elissa D. Miller, the duly appointed, qualified and acting Chapter 7 Trustee of the
25 above-referenced case, hereby submits her *Recommendation Re Report Of Auctioneer*
26 *And Compensation Of Auctioneer Fees And Expenses And Exoneration Of Auctioneer's*
27 *Bond* as follows:
28

1 1. Attached hereto as **Exhibit A** is a true and correct copy of the "*Application*
2 *By Chapter 7 Trustee For Authority To Employ R.L. Spear Co., Inc. As Auctioneer; To*
3 *Authorize Public Sale By Auctioneer And To Pay Auctioneer Upon Conclusion Of Sale In*
4 *Accordance With The Terms Hereof; Statement Of Disinterestedness; Declaration In*
5 *Support Thereof*" (the "Application") [Docket No. 15].

6 2. Attached hereto as **Exhibit B** is a true and correct copy of the "*Notice of*
7 *Opportunity to Request a Hearing On Motion*" [Docket No. 16].

8 2. Attached hereto as **Exhibit C** is a true and correct copy of the "*Order*
9 *Granting Application By Chapter 7 Trustee For Authority To Employ R.L. Spear Co., Inc.*
10 *As Auctioneer; To Authorize Public Sale By Auctioneer And To Pay Auctioneer Upon*
11 *Conclusion Of Sale In Accordance With The Terms Hereof,*" entered on May 11, 2021
12 [Docket No. 27].

13 3. Attached hereto as **Exhibit D** is the "*Report Of Auctioneer And Application*
14 *For Fees And Expenses.*"

15 4. Attached hereto as **Exhibit E** is the proposed "*Order Approving Trustee's*
16 *Recommendation Re: Report Of Auctioneer And Compensation Of Auctioneer And*
17 *Exoneration Of Auctioneer's Bond.*"

18 **WHEREFORE**, the Trustee requests that she be authorized to compensate R.L. Spear
19 Co., Inc. for its buyer's premium, commission, labor, advertising and a bond premium in
20 the total amount of \$15,960.76.

21
22 DATED: May 28, 2021

Respectfully submitted,

23
24 /s/ Elissa D. Miller

25 Elissa D. Miller
26 Chapter 7 Trustee
27
28

EXHIBIT A

Elissa D. Miller
emiller@sulmeyerlaw.com
333 South Grand Avenue, Suite 3400
Los Angeles, California 90071
Telephone: 213.626.2311
Facsimile: 213.629.4520

Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION

In re

SIMPLY HYBRID, LLC,

Debtor.

Case No. 2:21- bk-11697-BR

Chapter 7

**APPLICATION BY CHAPTER 7 TRUSTEE
FOR AUTHORITY TO EMPLOY R.L.
SPEAR CO., INC. AS AUCTIONEER; TO
AUTHORIZE PUBLIC SALE BY
AUCTIONEER AND TO PAY AUCTIONEER
UPON CONCLUSION OF SALE IN
ACCORDANCE WITH THE TERMS
HEREOF; STATEMENT OF
DISINTERESTEDNESS; DECLARATION IN
SUPPORT THEREOF**

**[11 U.S.C. § 327, FED.R. BANKR. P. 2014
AND LOC. BANKR. R. 2014-1(B)]**

Auction Date: To Be Set

No Hearing Date Required]

**TO THE HONORABLE BARRY RUSSELL, UNITED STATE BANKRUPTCY JUDGE,
OFFICE OF THE UNITED STATES TRUSTEE, CREDITORS AND ALL INTERESTED
PARTIES:**

Elissa D. Miller, the Chapter 7 Trustee (the "Trustee") for Simply Hybrid, LLC. (the
"Debtor") hereby files her *"Application By Chapter 7 Trustee For Authority To Employ R.L.
Spear Co., Inc. As Auctioneer; To Authorize Public Sale By Auctioneer And To Pay
Auctioneer Upon Conclusion Of Sale in Accordance with the Terms Hereof; Statement Of
Disinterestedness; Declaration In Support Thereof"* (the "Application") pursuant to which
she seeks authority to retain R.L. Spear Co., Inc. ("Spear") as her auctioneer as follows:

1 1. On March 3, 2021 (the "Petition Date"), the Debtor filed a voluntary petition
2 under Chapter 7 of Title 11 of the United States Code ("Bankruptcy Code"), thereby
3 commencing the above-captioned bankruptcy case. Elissa D. Miller was appointed as the
4 Chapter 7 Trustee (the "Trustee") and has been serving in that capacity since.

5 2. Following her appointment, the Trustee reviewed the pleadings and other
6 documents filed in the case and met with the Debtor. She also examined the Debtor at
7 its meeting of creditors.

8 3. The Trustee learned that prior to the Petition Date, the Debtor was in the
9 car rental and chauffeuring business. According to the Debtor its business suffered even
10 before the pandemic due to the likes of Uber and Lyft. The pandemic, according to the
11 Debtor was the death knell of the business.

12 4. At the time the Debtor ceased operating and filed the case, the Debtor
13 owned the following four automobiles free and clear (the "Assets"). According to the
14 Debtor, the condition of the all but the Suburban which is listed as good, is poor to fair
15 with high mileage.

16 2015 Chevrolet Suburban – Black

17 2015 Toyota Prius – Black

18 2015 Toyota Prius – Gray

19 2013 Ford Escape - Black

20 5. The Trustee and Spear met and viewed the Assets and so that Spear could
21 value the Assets for Auction purposes.

22 6. I have determined that the best and most feasible manner for liquidating the
23 Assets is through the employment of Spear.

24 7. Following discussions, Spear and I agreed that it was economically
25 beneficial to sell the Assets and that Spear would move the assets to a safe location
26 where they can be safeguarded prior to the sale.

27 8. As this time, in order to facilitate the foregoing sale , it is necessary for me
28 to employ a duly bonded auctioneer. Upon the granting of this application, I will retain

1 and employ Spear. Attached hereto as **Exhibit 1** is the Auction Proposal ("Auction Plan").
2 Spear has requested and I have agreed that it may subcontract portions of the work to
3 R.L.

4 9. Notice of this application to employ Spear (the "Notice") is being served
5 concurrently herewith and is being serviced on all creditors parties in interest.

6 10. The Sale will be conducted as an Internet Auction on the earliest date
7 following the approval of the employment to allow for optimal advertising. The advertising
8 will provide that the items may be previewed at 11473 Gladstone Ave., Unit L, Sylmar,
9 CA 91432 prior to the bid close date. Concurrently with filing this Application, I am
10 posting the notice of sale pursuant to Local Rule 6004-2 on the Court's website and
11 Spear will also advertise the sale to the public.

12 11. Based on Spear's review of the Assets, Spear is estimating the auction
13 value of the Assets will be approximately \$25,000.

14 12. Spear has agreed to conduct the Auction as a public sale and in
15 consideration therefore will receive a ten percent (10%) commission from the estate, and
16 a (13%) buyer's premium from the purchasers plus an expense allowance from the estate
17 of not to exceed \$2,000.00.

18 13. As detailed in the attached Auction Plan, the costs include advertising,
19 labor, permits, etc.

20 14. The Declaration of David Spear is attached hereto. Mr. Spear is a
21 disinterested parties within the meaning of 11 U.S.C. § 101(14). Based on Auctions
22 conducted by Spear for me in other cases and for other Trustees, I am confident that
23 Spear is fully competent to perform the services for which his is being employed. A true
24 and correct copy of Spear's resume is attached hereto as **Exhibit 2** and his General
25 Auction Bond as **Exhibit 3**.

26 15. Spear will collect and pay sales tax under its resale license on all sales plus
27 the buyers' premium. As the party collecting the funds, Spear is required by law to file
28 sales tax returns and remit the tax.

1 16. The Auction will be an internet only auction. However, prior to the sale the
2 assets will be available to view on a specifically advertised day at set hours at the
3 address above. After the sale, successful buyers will be required to come to the same
4 location (11473 Gladstone Ave., Unit L, Sylmar, CA 91432) to pick up their purchases.
5 At all times when the assets are on view or available for pick up, a representative of
6 Spear will be present.

7 17. Assets left at the conclusion of the sale, if any, will be abandoned back to
8 the Debtor.

9 18. I wish to be able to pay Spear in accordance with the procedures set forth
10 in Supervisory Instruction #10. Spear understands that the gross proceeds shall be
11 turned over to the Trustee, along an accounting within 21 days after the sale. Within 30
12 days of receipt of the Report of Auctioneer, the trustee shall file with the court the Report
13 with a brief Declaration asserting that: the Trustee has compared the Report of
14 Auctioneer to the list of items/lots sold, indicating the Report is satisfactory, and request
15 entry of an order approving the payment of compensation to Spear pursuant to the Notice
16 of Sale and Report of Auctioneer and exoneration of the auctioneer of his bonds.

17 **WHEREFORE**, I respectfully request that I be authorized to employ R.L. Spear
18 Co, Inc. as my auctioneer, for authority for Spear to conduct a public sale, and to pay
19 Spear in accordance with the terms set forth herein upon entry of an Order, and that this
20 Court grant such other and further relief as it may deem just and property.

21 DATED: April 9, 2021

Respectfully submitted,

22
23 /s/ Elissa D. Miller

Elissa D. Miller

24 Chapter 7 Trustee
25
26
27
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**STATEMENT OF DISINTERESTEDNESS FOR EMPLOYMENT OF
PROFESSIONAL PERSON UNDER BANKRUPTCY RULE 2014**

[The following information is supplied in conformity with United States Bankruptcy Court,
Central District of California, Form No. 2014-1]

1. Name, address and telephone number of the professional ("the Professional")
submitting this Statement:

R.L. Spear Co., Inc., 5776 D Lindero Canyon Rd., #409,
Westlake Village, CA 91362, 818 735-0822

2. The services to be rendered by the Professional in this case are (*specify*):

The Professional will act as auctioneer for the Estate of Simply Hybrid, LLC, Elissa D.
Miller, Chapter 7 Trustee.

3. The terms and source of the proposed compensation and reimbursement of the
Professional are (*specify*):

10% commission from estate; 13% buyer's premium plus
costs estimated at not greater than \$2,000.00.

4. The nature and terms of retainer (i.e., nonrefundable versus an advance against
fees) half by the Professional are (*specify*):

None.

5. The investigation of disinterestedness made by the Professional prior to submitting
this Statement consisted of (*specify*):

I have carefully reviewed Spear's files and have determined
that no conflict exists in connection with this matter. I have
determined that Spear does not represent anyone with any
interests adverse to the Estate. Further, Spear represents no
creditor or other party in this Chapter 7 case and has no
interest adverse to the Debtor or the Estate. Therefore, to the
best of my knowledge, information and belief, Spear is a
disinterested party in the Debtor's Chapter 7 case as that term
is defined by the Bankruptcy Code.

6. The following is a complete description of all of the Professional's connections with
the debtor, principals of the debtor, insiders, the debtor's creditors, any other party
or parties in interest, and their respective attorneys and accountants, or any
person employed in the Office of the United States Trustee (*specify, attaching
extra pages as necessary*):

None

7. The Professional is not a creditor, an equity security holder or an insider of the debtor, except as follows (*specify, attaching extra pages as necessary*):

N/A

8. The Professional is not and was not an investment banker for any outstanding security of the debtor.

9. The Professional has not been within three (3) years before the date of the filing of the petition herein, an investment banker for a security of the debtor, or an attorney for such an investment banker in connection with the offer, sale or issuance of any security of the debtor.

10. The Professional is not and was not, within two (2) years before the date of the filing of the petition herein, a director, officer or employee of the debtor or of any investment banker for any security of the debtor.

11. The Professional neither holds nor represents any interest materially adverse to the interest of the estate or of any class of creditors or equity security holders with respect to the matter on which the Professional is to be employed, by reason of any direct or indirect relationship to, connection with, or interest in, the debtor or an investment banker for any security of the debtor, or for any other reason, except as follows (*specify, attaching extra pages as necessary*):

N/A

12. Name, address and telephone number of the person signing this Statement on behalf of the Professional and the relationship of such person to the Professional (*specify*):

David Spear, R.L. Spear, 5776 D Lindero Canyon Rd., #409,
Westlake Village, CA 91362, 818 735-0822

13. The Professional is not a relative or employee of the United States Trustee or a Bankruptcy Judge, except as follows (*specify, attaching extra pages as necessary*):

n/a

14. Total number of attached pages of supporting documentation: 11

After conducting or supervising the investigation described in Paragraph 5 above, I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct except that I declare that Paragraphs 6 through 11 are stated on information and belief.

DATED: ~~October~~, 2019
April 7, 2021

Respectfully submitted,

R.L. Spear Co, Inc.

By:


David Spear

DECLARATION OF ELISSA D. MILLER

I, Elissa D. Miller, do hereby declare:

1. That I am the duly appointed Trustee in the above estate.

2. I have prepared the foregoing application and know its contents to be true and correct.

3. I have read the Declaration of David Spear. I am familiar with the firm and know it to be a competent auctioneer. In addition to the information set forth in the attached resume, I discussed with Mr. Spear, Spear's experience in selling similar assets.

4. I am satisfied that Spear is a disinterested persons as defined by the provisions of the Bankruptcy Code and that the employment of Spear under the circumstances and terms set forth herein is in the best interest of this bankruptcy estate.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed April 9, 2021 , at Los Angeles, California.

/s/ Elissa D. Miller
Elissa D. Miller, Trustee

EXHIBIT 1

R.L. Spear Co., Inc.
5776 D Lindero Canyon Road, #409
Westlake Village, CA 91362
818/735-0822 fax 805/845-3808 www.rlspear.com

March 23, 2021

Elissa Miller
Chapter 7 Trustee

via e-mail: emiller@sulmeyerlaw.com

Dear Ms. Miller,

Thank you for allowing me to inspect the assets of the estate located at 150 W. Ivy, Inglewood, CA. After our inspection of the assets, (4 hybrid vehicles) I believe that a public on-line auction will maximize return to the estate by liquidating the assets in a timely and efficient manner.

ASSETS

The assets consist of 4 hybrid vehicles, used in the estate's car rental business.

SCOPE

Let me briefly discuss our auction process, so that you are aware of considerations concerning time and costs.

Upon employment, R.L. Spear, Co., Inc. will immediately post on its website and several other websites announcement of an upcoming sale of the vehicles.

As soon as practicable, we will transport the vehicles to property controlled by R.L. Spear Co. for storage and sale. We will catalog and photograph all items for posting on our website at RLSpear.com. All estate property will be posted on our website for viewing by interested parties.

Advertising is the most critical component of a successful auction. We will use a three-pronged approach by contacting our extensive buyer base of over 10,000 auction buyers, by

advertising in local and national media, and by targeting those companies most likely to have an interest in purchasing the assets.

The auction will be scheduled at a time and date that best allows proper notice and advertising coverage, while minimizing storage costs. We will work with you in determining a best possible sale date as soon as possible, with the goal of finalizing auction sale in April, 2021.

Upon completion of the sale, our computer will print invoices for every registered buyer against which we will release the merchandise. Nothing is taken before the end of the sale or before the bill is paid in full. A full accounting of all auction proceeds is provided to you. To protect both us and our client all bills are to be paid either in cash, cashier's check, Mastercard or Visa, business check with a bank letter of guaranteed payment, or business check with the client's approval. The checkout process begins after the conclusion of the sale. All vehicles will be transferred to the buyer's within several days of auction sale.

COMPENSATION

R.L. Spear Co. will receive as compensation 10% of gross receipts. Commission will be deducted from the proceeds of the sale if deemed acceptable by the Court.

We will charge a 13% Buyer's Premium to all buyers at the auction. This is a standard charge that has become customary at auction sales, and auction buyers will be aware that a premium will be paid and retained by R.L. Spear Co.

EXPENSES

Expenses for this sale, including all advertising, labor, permits, etc., shall be reimbursed to R.L. Spear Co., Inc. from auction proceeds. No outlay of cash will be required from you for purposes of advertising and/or conducting the auction sale. At this time, we estimate expenses at no more than \$2,000.00 which is primarily for transportation, storage and cleaning.

ESTIMATE

We estimate the value of the 4 vehicles to be approximately \$25,000.00 at a publicly advertised and held auction.

We have found the on-line auction method to be superior for selling inventories and equipment from a return standpoint as well as from a time management perspective. We look forward to another sale in which all parties are well satisfied.

If you have any questions regarding this proposal, please feel free to contact me via cell or email.

Thank you for this opportunity to be of service.

Sincerely,

David Spear

David Spear
R.L. Spear Co., Inc.

EXHIBIT 2

R.L. Spear Co., Inc.
David Spear, Auctioneer
RESUME

Founded 1963

Incorporated 1973

R.L. Spear Co., Inc. provides services related to asset conversion for general industry, commercial enterprises and estates. Services include outcall auctions, web-cast auctions, internet auctions, closed bid sales, liquidations, appraisals, outright purchases and merchandise sold on consignment.

Auction experience includes 50 years in industrial and commercial auction sales. David Spear has worked in the auction field since 1967, providing auction coordination and logistic services, and has served as head auctioneer since 1989. He has conducted approximately 2500 auctions, locally and nationwide.

Member: National Auctioneer's Association
California State Auctioneer Association
Southern California Auctioneer's Association
Trustee- SCAA 1997-2019, Vice-President 2006-07
President- 2008-2009

Bond: # MS237-58-08 Great American Insurance Co.

Graduate, Missouri Auction School, 2004

All auction records kept by Maxanet Auction Systems

Experience in live out-call auctions, internet auctions, simultaneous live and on-line call auctions, sealed bids, bulk-sale offers, negotiated private treaty sales, estate sales and liquidation sales.

R.L. Spear Co., Inc. has auctioned assets in many different industries. Typical categories include computers and data processing equipment, printing and mailing equipment, metal working machinery, warehouse equipment, office supplies, office furniture and equipment, restaurant equipment, woodworking equipment, commercial store fixtures and equipment, pharmaceutical equipment, cinemagraphic and video equipment, recording equipment, trucks and heavy equipment, aerospace supplies and equipment, garment manufacturing equipment, automotive parts inventories, vehicles, consumer goods and electronics, estates & household furnishings, test equipment, etc.

R.L. Spear Co., Inc. has provided auction and appraisal services for private and public companies as well as banks, financial institutions, leasing companies, FTC, SEC, FDIC, State of California, State Court, Federal Court, Probate Court, State Court Receivers and Trustees of the U.S. Bankruptcy Court.

R.L. Spear Co., Inc.

Reference List

James H. Donell
Receiver of Citadel Capital
310/ 207-8481

Robb Evans & Associates
Receiver for Mowbray Tree Service, et al.
Brick Kane
Kent Johnston
818/ 768-8100

Byron Moldo
Assignee for the Benefit of Creditors, HBS Equipment Corp.
310/ 551-3100

Rob Chute
Facilities Coordinator
Herbalife
310/ 410-9600 x52160

Ray Wolffe
President
Bardwell & McAlister Inc.
818/ 771-1281

Robert Greenfield
Warner Bros. Studio Facilities
818/ 954-5690

EXHIBIT 3

BOND NO. 999021998

\$100,000.00

SURETY BOND

KNOW ALL MEN BY THESE PRESENTS, THAT, R. L. Spear Co., Inc.

herein after called the Principal (Auctioneer), and The Ohio Casualty Insurance Company
hereinafter called Surety, are held and firmly bound unto the United States of America and/or the
United States Trustee hereinafter called the Obligee in the aggregate sum of One Hundred
Thousand Dollars And Zero Cents

 Dollars (\$100,000.00) for the payment whereof to the Obligee, the Principal
and Surety hereby bind themselves, their successors and assigns, jointly and severally, firmly by
these presents.

WHEREAS, the Principal and Obligee will from time to time conduct auctions on behalf of
the United States Trustee and/or the United States Bankruptcy Court, and as a condition to perform
such auctions the United States Trustee requires that a surety bond be posted to secure the faithful
performance of such auctions.

NOW, THEREFORE, the condition of this obligation is such that if the above bound
Principal shall faithfully perform the duties of an auctioneer and account for all monies received
and in all things comply with the requirements of the United States Trustee and/or the United
States Bankruptcy Court, then this obligation shall be null and void.

PROVIDED, HOWEVER, that the Surety or Principal may cancel this bond by giving
thirty (30) days prior notice in writing to the Obligee such notice to be given by certified mail.
Such cancellation shall not affect any liability incurred under this bond prior to the effective date of
such cancellation.

LIABILITY UNDER THIS BOND SHALL COMMENCE ON THE 25th DAY OF
October, 2019.

SIGNED, SEALED AND DATED THIS 25th DAY OF October, 2019.

ATTEST:

↓

R. L. Spear Co., Inc.

Principal (Auctioneer)

By: ↓



The Ohio Casualty Insurance Company

Surety

By: Nadine R. Weilersbacher

Nadine R. Weilersbacher - Attorney in Fact

This Power of Attorney is made and executed by the named officer, and they have no authority to bind the Company except in the manner and to the extent herein stated.



The Ohio Casualty Insurance Company

POWER OF ATTORNEY

Principal: R. L. Spear Co., Inc.

Agency Name: E. R. Munro & Company

Bond Number: 999021998

Obligee: United States Bankruptcy Court, Central District of CA

Bond Amount: (\$100,000.00) One Hundred Thousand Dollars And Zero Cents

KNOW ALL PERSONS BY THESE PRESENTS: that The Ohio Casualty Insurance Company, a corporation duly organized under the laws of the State of New Hampshire (herein collectively called the "Company"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint **Nadine R. Weilersbacher** in the city and state of **Pittsburgh, PA**, each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Company in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of the Company has been affixed thereto this 26th day of September, 2016.



The Ohio Casualty Insurance Company

By:

David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 26th day of September, 2016, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of The Ohio Casualty Insurance Company and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires March 28, 2021
Member Pennsylvania Association of Notaries

By:

Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-law and Authorizations of The Ohio Casualty Insurance Company, which is now in full force and effect reading as follows:

ARTICLE IV – OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature or electronic signatures of any assistant secretary of the Company or facsimile or mechanically reproduced or electronic seal of the Company, wherever appearing upon a certified copy of any power of attorney or bond issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, of The Ohio Casualty Insurance Company do hereby certify that this power of attorney executed by said Company is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Company this 25th day of October, 2019.



By:

Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 333 South Grand Avenue, Suite 3400, Los Angeles, CA 90071.

A true and correct copy of the foregoing document entitled (*specify*): **APPLICATION BY CHAPTER 7 TRUSTEE FOR AUTHORITY TO EMPLOY R.L. SPEAR CO., INC. AS AUCTIONEER; TO AUTHORIZE PUBLIC SALE BY AUCTIONEER AND TO PAY AUCTIONEER UPON CONCLUSION OF SALE IN ACCORDANCE WITH THE TERMS HEREOF; STATEMENT OF DISINTERESTEDNESS; DECLARATION IN SUPPORT THEREOF** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) April 15, 2021 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Stephen L Burton on behalf of Debtor Simply Hybrid, LLC
steveburtonlaw@aol.com, ellie.burtonlaw@gmail.com

Elissa Miller (TR)
CA71@ecfbis.com, MillerTrustee@Sulmeyerlaw.com; C124@ecfbis.com; ccaldwell@sulmeyerlaw.com

United States Trustee (LA)
ustpreion16.la.ecf@usdoj.gov

☐ Service information continued on attached page.

2. SERVED BY UNITED STATES MAIL:

On (*date*) April 15, 2021, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page.

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

April 15, 2021

Date

Cheryl Caldwell

Printed Name

/s/Cheryl Caldwell

Signature

ADDITIONAL SERVICE INFORMATION (if needed):

2. SERVED BY U.S. MAIL

Debtor

Simply Hybrid, LLC
150 W Ivy Avenue
Inglewood, Ca 90302-2907

All Creditors

Ali Saman
1824 Fairford Drive
Fullerton, CA 92833-1511

Ottmar Benavides c/o
Law Offices of Benjamin Davidson
8383 Wilshire Blvd, Suite 830
Beverly Hills, CA 90211-2445

William Becker
Attorney at Law
2711 North Sepulveda Blvd Suite
236
Manhattan Beach, CA 90266-2725

EXHIBIT B

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Elissa D. Miller emiller@sulmeyerlaw.com 333 South Grand Avenue, Suite 3400 Los Angeles, CA 90071-1406 Telephone 213.626.2311 Facsimile 213.629.4520 <input type="checkbox"/> Debtor(s) appearing without an attorney <input checked="" type="checkbox"/> Chapter 7 Trustee	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION	
In re: SIMPLY HYBRID, LLC,	CASE NO.: 2:21-bk-11697-BR CHAPTER: 7
	NOTICE OF OPPORTUNITY TO REQUEST A HEARING ON MOTION [LBR 9013-1(o)]
Debtor(s).	[No hearing unless requested in writing]

TO THE U.S. TRUSTEE AND ALL PARTIES ENTITLED TO NOTICE, PLEASE TAKE NOTICE THAT:

1. Movant(s) Elissa D. Miller, Chapter 7 Trustee, filed a motion or application (Motion) entitled **Application By Chapter 7 Trustee For Authority To Employ R.L. Spear Co., Inc. As Auctioneer; To Authorize Public Sale By Auctioneer And To Pay Auctioneer Upon Conclusion Of Sale In Accordance With The Terms Hereof; Statement Of Disinterestedness; Declaration In Support Thereof [Docket No. 15]**
2. Movant(s) is requesting that the court grant the Motion without a hearing as provided for in LBR 9013-1(o), unless a party in interest timely files and serves a written opposition to the Motion and requests a hearing.
3. The Motion is based upon the legal and factual grounds set forth in the Motion. (*Check appropriate box below*):
☒ The full Motion is attached to this notice; or
☐ The full Motion was filed with the court as docket entry #_____, and a detailed description of the relief sought is attached to this notice.

4. **DEADLINE FOR FILING AND SERVING OPPOSITION PAPERS AND REQUEST FOR A HEARING:** Pursuant to LBR 9013-1(o), any party who opposes the Motion may request a hearing on the Motion. The deadline to file and serve a written opposition and request for a hearing is 14 days after the date of service of this notice, plus 3 additional days if you were served by mail or pursuant to F.R.Civ.P. 5(b)(2)(D) or (F).
- a. If you timely file and serve a written opposition and request for a hearing, movant will file and serve a notice of hearing at least 14 days in advance of the hearing. [LBR 9013-1(o)(4)]
 - b. If you fail to comply with this deadline:
 - (1) Movant will file a declaration to indicate: (1) the Motion was properly served, (2) the response period elapsed, and (3) no party filed and served a written opposition and request for a hearing within 14 days after the date of service of the notice [LBR 9013-1(o)(3)];
 - (2) Movant will lodge an order that the court may use to grant the Motion; and
 - (3) The court may treat your failure as a waiver of your right to oppose the Motion and may grant the Motion without further hearing and notice. [LBR 9013-1(h)]

Respectfully submitted,

Date: 04/15/2021

/s/Elissa D. Miller

Signature of Movant or attorney for Movant

Elissa D. Miller

Printed name of Movant or attorney for Movant

ATTACHMENT

Elissa D. Miller
emiller@sulmeyerlaw.com
333 South Grand Avenue, Suite 3400
Los Angeles, California 90071
Telephone: 213.626.2311
Facsimile: 213.629.4520

Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION

In re

SIMPLY HYBRID, LLC,

Debtor.

Case No. 2:21- bk-11697-BR

Chapter 7

**APPLICATION BY CHAPTER 7 TRUSTEE
FOR AUTHORITY TO EMPLOY R.L.
SPEAR CO., INC. AS AUCTIONEER; TO
AUTHORIZE PUBLIC SALE BY
AUCTIONEER AND TO PAY AUCTIONEER
UPON CONCLUSION OF SALE IN
ACCORDANCE WITH THE TERMS
HEREOF; STATEMENT OF
DISINTERESTEDNESS; DECLARATION IN
SUPPORT THEREOF**

**[11 U.S.C. § 327, FED.R. BANKR. P. 2014
AND LOC. BANKR. R. 2014-1(B)]**

Auction Date: To Be Set

No Hearing Date Required]

**TO THE HONORABLE BARRY RUSSELL, UNITED STATE BANKRUPTCY JUDGE,
OFFICE OF THE UNITED STATES TRUSTEE, CREDITORS AND ALL INTERESTED
PARTIES:**

Elissa D. Miller, the Chapter 7 Trustee (the "Trustee") for Simply Hybrid, LLC. (the
"Debtor") hereby files her *"Application By Chapter 7 Trustee For Authority To Employ R.L.
Spear Co., Inc. As Auctioneer; To Authorize Public Sale By Auctioneer And To Pay
Auctioneer Upon Conclusion Of Sale in Accordance with the Terms Hereof; Statement Of
Disinterestedness; Declaration In Support Thereof"* (the "Application") pursuant to which
she seeks authority to retain R.L. Spear Co., Inc. ("Spear") as her auctioneer as follows:

1 1. On March 3, 2021 (the "Petition Date"), the Debtor filed a voluntary petition
2 under Chapter 7 of Title 11 of the United States Code ("Bankruptcy Code"), thereby
3 commencing the above-captioned bankruptcy case. Elissa D. Miller was appointed as the
4 Chapter 7 Trustee (the "Trustee") and has been serving in that capacity since.

5 2. Following her appointment, the Trustee reviewed the pleadings and other
6 documents filed in the case and met with the Debtor. She also examined the Debtor at
7 its meeting of creditors.

8 3. The Trustee learned that prior to the Petition Date, the Debtor was in the
9 car rental and chauffeuring business. According to the Debtor its business suffered even
0 before the pandemic due to the likes of Uber and Lyft. The pandemic, according to the
1 Debtor was the death knell of the business.

2 4. At the time the Debtor ceased operating and filed the case, the Debtor
3 owned the following four automobiles free and clear (the "Assets"). According to the
4 Debtor, the condition of the all but the Suburban which is listed as good, is poor to fair
5 with high mileage.

6 2015 Chevrolet Suburban – Black

7 2015 Toyota Prius – Black

8 2015 Toyota Prius – Gray

9 2013 Ford Escape - Black

0 5. The Trustee and Spear met and viewed the Assets and so that Spear could
1 value the Assets for Auction purposes.

2 6. I have determined that the best and most feasible manner for liquidating the
3 Assets is through the employment of Spear.

4 7. Following discussions, Spear and I agreed that it was economically
5 beneficial to sell the Assets and that Spear would move the assets to a safe location
6 where they can be safeguarded prior to the sale.

7 8. As this time, in order to facilitate the foregoing sale , it is necessary for me
8 to employ a duly bonded auctioneer. Upon the granting of this application, I will retain

1 and employ Spear. Attached hereto as **Exhibit 1** is the Auction Proposal ("Auction Plan").
2 Spear has requested and I have agreed that it may subcontract portions of the work to
3 R.L.

4 9. Notice of this application to employ Spear (the "Notice") is being served
5 concurrently herewith and is being serviced on all creditors parties in interest.

6 10. The Sale will be conducted as an Internet Auction on the earliest date
7 following the approval of the employment to allow for optimal advertising. The advertising
8 will provide that the items may be previewed at 11473 Gladstone Ave., Unit L, Sylmar,
9 CA 91432 prior to the bid close date. Concurrently with filing this Application, I am
0 posting the notice of sale pursuant to Local Rule 6004-2 on the Court's website and
1 Spear will also advertise the sale to the public.

2 11. Based on Spear's review of the Assets, Spear is estimating the auction
3 value of the Assets will be approximately \$25,000.

4 12. Spear has agreed to conduct the Auction as a public sale and in
5 consideration therefore will receive a ten percent (10%) commission from the estate, and
6 a (13%) buyer's premium from the purchasers plus an expense allowance from the estate
7 of not to exceed \$2,000.00.

8 13. As detailed in the attached Auction Plan, the costs include advertising,
9 labor, permits, etc.

20 14. The Declaration of David Spear is attached hereto. Mr. Spear is a
21 disinterested parties within the meaning of 11 U.S.C. § 101(14). Based on Auctions
22 conducted by Spear for me in other cases and for other Trustees, I am confident that
23 Spear is fully competent to perform the services for which his is being employed. A true
24 and correct copy of Spear's resume is attached hereto as **Exhibit 2** and his General
25 Auction Bond as **Exhibit 3**.

26 15. Spear will collect and pay sales tax under its resale license on all sales plus
27 the buyers' premium. As the party collecting the funds, Spear is required by law to file
28 sales tax returns and remit the tax.

1 16. The Auction will be an internet only auction. However, prior to the sale the
2 assets will be available to view on a specifically advertised day at set hours at the
3 address above. After the sale, successful buyers will be required to come to the same
4 location (11473 Gladstone Ave., Unit L, Sylmar, CA 91432) to pick up their purchases.
5 At all times when the assets are on view or available for pick up, a representative of
6 Spear will be present.

7 17. Assets left at the conclusion of the sale, if any, will be abandoned back to
8 the Debtor.

9 18. I wish to be able to pay Spear in accordance with the procedures set forth
0 in Supervisory Instruction #10. Spear understands that the gross proceeds shall be
1 turned over to the Trustee, along an accounting within 21 days after the sale. Within 30
2 days of receipt of the Report of Auctioneer, the trustee shall file with the court the Report
3 with a brief Declaration asserting that: the Trustee has compared the Report of
4 Auctioneer to the list of items/lots sold, indicating the Report is satisfactory, and request
5 entry of an order approving the payment of compensation to Spear pursuant to the Notice
6 of Sale and Report of Auctioneer and exoneration of the auctioneer of his bonds.

7 **WHEREFORE**, I respectfully request that I be authorized to employ R.L. Spear
8 Co, Inc. as my auctioneer, for authority for Spear to conduct a public sale, and to pay
9 Spear in accordance with the terms set forth herein upon entry of an Order, and that this
20 Court grant such other and further relief as it may deem just and property.

21 DATED: April 9, 2021

Respectfully submitted,

23 /s/ Elissa D. Miller

Elissa D. Miller

24 Chapter 7 Trustee

**STATEMENT OF DISINTERESTEDNESS FOR EMPLOYMENT OF
PROFESSIONAL PERSON UNDER BANKRUPTCY RULE 2014**

[The following information is supplied in conformity with United States Bankruptcy Court,
Central District of California, Form No. 2014-1]

1. Name, address and telephone number of the professional ("the Professional")
submitting this Statement:

R.L. Spear Co., Inc., 5776 D Lindero Canyon Rd., #409,
Westlake Village, CA 91362, 818 735-0822

2. The services to be rendered by the Professional in this case are (*specify*):

The Professional will act as auctioneer for the Estate of Simply Hybrid, LLC, Elissa D.
Miller, Chapter 7 Trustee.

3. The terms and source of the proposed compensation and reimbursement of the
Professional are (*specify*):

10% commission from estate; 13% buyer's premium plus
costs estimated at not greater than \$2,000.00.

4. The nature and terms of retainer (i.e., nonrefundable versus an advance against
fees) half by the Professional are (*specify*):

None.

5. The investigation of disinterestedness made by the Professional prior to submitting
this Statement consisted of (*specify*):

I have carefully reviewed Spear's files and have determined
that no conflict exists in connection with this matter. I have
determined that Spear does not represent anyone with any
interests adverse to the Estate. Further, Spear represents no
creditor or other party in this Chapter 7 case and has no
interest adverse to the Debtor or the Estate. Therefore, to the
best of my knowledge, information and belief, Spear is a
disinterested party in the Debtor's Chapter 7 case as that term
is defined by the Bankruptcy Code.

6. The following is a complete description of all of the Professional's connections with
the debtor, principals of the debtor, insiders, the debtor's creditors, any other party
or parties in interest, and their respective attorneys and accountants, or any
person employed in the Office of the United States Trustee (*specify, attaching
extra pages as necessary*):

None

7. The Professional is not a creditor, an equity security holder or an insider of the debtor, except as follows (*specify, attaching extra pages as necessary*):

N/A

8. The Professional is not and was not an investment banker for any outstanding security of the debtor.

9. The Professional has not been within three (3) years before the date of the filing of the petition herein, an investment banker for a security of the debtor, or an attorney for such an investment banker in connection with the offer, sale or issuance of any security of the debtor.

10. The Professional is not and was not, within two (2) years before the date of the filing of the petition herein, a director, officer or employee of the debtor or of any investment banker for any security of the debtor.

11. The Professional neither holds nor represents any interest materially adverse to the interest of the estate or of any class of creditors or equity security holders with respect to the matter on which the Professional is to be employed, by reason of any direct or indirect relationship to, connection with, or interest in, the debtor or an investment banker for any security of the debtor, or for any other reason, except as follows (*specify, attaching extra pages as necessary*):

N/A

12. Name, address and telephone number of the person signing this Statement on behalf of the Professional and the relationship of such person to the Professional (*specify*):

David Spear, R.L. Spear, 5776 D Lindero Canyon Rd., #409,
Westlake Village, CA 91362, 818 735-0822

13. The Professional is not a relative or employee of the United States Trustee or a Bankruptcy Judge, except as follows (*specify, attaching extra pages as necessary*):s

n/a

14. Total number of attached pages of supporting documentation: 11

After conducting or supervising the investigation described in Paragraph 5 above, I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct except that I declare that Paragraphs 6 through 11 are stated on information and belief.

DATED: ~~October~~, 2019
April 7, 2021

Respectfully submitted,

R.L. Spear Co, Inc.

By:


David Spear

DECLARATION OF ELISSA D. MILLER

I, Elissa D. Miller, do hereby declare:

1. That I am the duly appointed Trustee in the above estate.

2. I have prepared the foregoing application and know its contents to be true and correct.

3. I have read the Declaration of David Spear. I am familiar with the firm and know it to be a competent auctioneer. In addition to the information set forth in the attached resume, I discussed with Mr. Spear, Spear's experience in selling similar assets.

4. I am satisfied that Spear is a disinterested persons as defined by the provisions of the Bankruptcy Code and that the employment of Spear under the circumstances and terms set forth herein is in the best interest of this bankruptcy estate.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed April 9, 2021 , at Los Angeles, California.

/s/ Elissa D. Miller
Elissa D. Miller, Trustee

EXHIBIT 1

R.L. Spear Co., Inc.
5776 D Lindero Canyon Road, #409
Westlake Village, CA 91362
818/735-0822 fax 805/845-3808 www.rlspear.com

March 23, 2021

Elissa Miller
Chapter 7 Trustee

via e-mail: emiller@sulmeyerlaw.com

Dear Ms. Miller,

Thank you for allowing me to inspect the assets of the estate located at 150 W. Ivy, Inglewood, CA. After our inspection of the assets, (4 hybrid vehicles) I believe that a public on-line auction will maximize return to the estate by liquidating the assets in a timely and efficient manner.

ASSETS

The assets consist of 4 hybrid vehicles, used in the estate's car rental business.

SCOPE

Let me briefly discuss our auction process, so that you are aware of considerations concerning time and costs.

Upon employment, R.L. Spear, Co., Inc. will immediately post on its website and several other websites announcement of an upcoming sale of the vehicles.

As soon as practicable, we will transport the vehicles to property controlled by R.L. Spear Co. for storage and sale. We will catalog and photograph all items for posting on our website at RLSpear.com. All estate property will be posted on our website for viewing by interested parties.

Advertising is the most critical component of a successful auction. We will use a three-pronged approach by contacting our extensive buyer base of over 10,000 auction buyers, by

advertising in local and national media, and by targeting those companies most likely to have an interest in purchasing the assets.

The auction will be scheduled at a time and date that best allows proper notice and advertising coverage, while minimizing storage costs. We will work with you in determining a best possible sale date as soon as possible, with the goal of finalizing auction sale in April, 2021.

Upon completion of the sale, our computer will print invoices for every registered buyer against which we will release the merchandise. Nothing is taken before the end of the sale or before the bill is paid in full. A full accounting of all auction proceeds is provided to you. To protect both us and our client all bills are to be paid either in cash, cashier's check, Mastercard or Visa, business check with a bank letter of guaranteed payment, or business check with the client's approval. The checkout process begins after the conclusion of the sale. All vehicles will be transferred to the buyer's within several days of auction sale.

COMPENSATION

R.L. Spear Co. will receive as compensation 10% of gross receipts. Commission will be deducted from the proceeds of the sale if deemed acceptable by the Court.

We will charge a 13% Buyer's Premium to all buyers at the auction. This is a standard charge that has become customary at auction sales, and auction buyers will be aware that a premium will be paid and retained by R.L. Spear Co.

EXPENSES

Expenses for this sale, including all advertising, labor, permits, etc., shall be reimbursed to R.L. Spear Co., Inc. from auction proceeds. No outlay of cash will be required from you for purposes of advertising and/or conducting the auction sale. At this time, we estimate expenses at no more than \$2,000.00 which is primarily for transportation, storage and cleaning.

ESTIMATE

We estimate the value of the 4 vehicles to be approximately \$25,000.00 at a publicly advertised and held auction.

We have found the on-line auction method to be superior for selling inventories and equipment from a return standpoint as well as from a time management perspective. We look forward to another sale in which all parties are well satisfied.

If you have any questions regarding this proposal, please feel free to contact me via cell or email.

Thank you for this opportunity to be of service.

Sincerely,

David Spear

David Spear
R.L. Spear Co., Inc.

EXHIBIT 2

R.L. Spear Co., Inc.
David Spear, Auctioneer
RESUME

Founded 1963

Incorporated 1973

R.L. Spear Co., Inc. provides services related to asset conversion for general industry, commercial enterprises and estates. Services include outcall auctions, web-cast auctions, internet auctions, closed bid sales, liquidations, appraisals, outright purchases and merchandise sold on consignment.

Auction experience includes 50 years in industrial and commercial auction sales. David Spear has worked in the auction field since 1967, providing auction coordination and logistic services, and has served as head auctioneer since 1989. He has conducted approximately 2500 auctions, locally and nationwide.

Member: National Auctioneer's Association
California State Auctioneer Association
Southern California Auctioneer's Association
Trustee- SCAA 1997-2019, Vice-President 2006-07
President- 2008-2009

Bond: # MS237-58-08 Great American Insurance Co.

Graduate, Missouri Auction School, 2004

All auction records kept by Maxanet Auction Systems

Experience in live out-call auctions, internet auctions, simultaneous live and on-line call auctions, sealed bids, bulk-sale offers, negotiated private treaty sales, estate sales and liquidation sales.

R.L. Spear Co., Inc. has auctioned assets in many different industries. Typical categories include computers and data processing equipment, printing and mailing equipment, metal working machinery, warehouse equipment, office supplies, office furniture and equipment, restaurant equipment, woodworking equipment, commercial store fixtures and equipment, pharmaceutical equipment, cinemagraphic and video equipment, recording equipment, trucks and heavy equipment, aerospace supplies and equipment, garment manufacturing equipment, automotive parts inventories, vehicles, consumer goods and electronics, estates & household furnishings, test equipment, etc.

R.L. Spear Co., Inc. has provided auction and appraisal services for private and public companies as well as banks, financial institutions, leasing companies, FTC, SEC, FDIC, State of California, State Court, Federal Court, Probate Court, State Court Receivers and Trustees of the U.S. Bankruptcy Court.

R.L. Spear Co., Inc.

Reference List

James H. Donell
Receiver of Citadel Capital
310/ 207-8481

Robb Evans & Associates
Receiver for Mowbray Tree Service, et al.
Brick Kane
Kent Johnston
818/ 768-8100

Byron Moldo
Assignee for the Benefit of Creditors, HBS Equipment Corp.
310/ 551-3100

Rob Chute
Facilities Coordinator
Herbalife
310/ 410-9600 x52160

Ray Wolffe
President
Bardwell & McAlister Inc.
818/ 771-1281

Robert Greenfield
Warner Bros. Studio Facilities
818/ 954-5690

EXHIBIT 3

BOND NO. 999021998

\$100,000.00

SURETY BOND

KNOW ALL MEN BY THESE PRESENTS, THAT, R. L. Spear Co., Inc.

herein after called the Principal (Auctioneer), and The Ohio Casualty Insurance Company
hereinafter called Surety, are held and firmly bound unto the United States of America and/or the
United States Trustee hereinafter called the Oblgee in the aggregate sum of One Hundred
Thousand Dollars And Zero Cents

 Dollars (\$100,000.00) for the payment whereof to the Oblgee, the Principal
and Surety hereby bind themselves, their successors and assigns, jointly and severally, firmly by
these presents.

WHEREAS, the Principal and Oblgee will from time to time conduct auctions on behalf of
the United States Trustee and/or the United States Bankruptcy Court, and as a condition to perform
such auctions the United States Trustee requires that a surety bond be posted to secure the faithful
performance of such auctions.

NOW, THEREFORE, the condition of this obligation is such that if the above bound
Principal shall faithfully perform the duties of an auctioneer and account for all monies received
and in all things comply with the requirements of the United States Trustee and/or the United
States Bankruptcy Court, then this obligation shall be null and void.

PROVIDED, HOWEVER, that the Surety or Principal may cancel this bond by giving
thirty (30) days prior notice in writing to the Oblgee such notice to be given by certified mail.
Such cancellation shall not affect any liability incurred under this bond prior to the effective date of
such cancellation.

LIABILITY UNDER THIS BOND SHALL COMMENCE ON THE 25th DAY OF
October , 2019 .

SIGNED, SEALED AND DATED THIS 25th DAY OF October , 2019 .

ATTEST:

✓

R. L. Spear Co., Inc.

Principal (Auctioneer)

By: ✓



The Ohio Casualty Insurance Company

Surety

By: Nadine R. Weilersbacher

Nadine R. Weilersbacher - Attorney in Fact



**Liberty
Mutual**
SURETY

This Power of Attorney is made by and for the use named herein, and the undersigned has no authority to bind the Company except in the manner and to the extent herein stated.

The Ohio Casualty Insurance Company

POWER OF ATTORNEY

Principal: R. L. Spear Co., Inc.

Agency Name: E. R. Munro & Company

Bond Number: 999021998

Obligee: United States Bankruptcy Court, Central District of CA

Bond Amount: (\$100,000.00) One Hundred Thousand Dollars And Zero Cents

KNOW ALL PERSONS BY THESE PRESENTS: that The Ohio Casualty Insurance Company, a corporation duly organized under the laws of the State of New Hampshire (herein collectively called the "Company"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint **Nadine R. Weilersbacher** in the city and state of **Pittsburgh, PA**, each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Company in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of the Company has been affixed thereto this 26th day of September, 2016.



The Ohio Casualty Insurance Company

By:

David M. Carey
David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 26th day of September, 2016, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of The Ohio Casualty Insurance Company and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires March 28, 2021
Member Pennsylvania Association of Notaries

By:

Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-law and Authorizations of The Ohio Casualty Insurance Company, which is now in full force and effect reading as follows:

ARTICLE IV – OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature or electronic signatures of any assistant secretary of the Company or facsimile or mechanically reproduced or electronic seal of the Company, wherever appearing upon a certified copy of any power of attorney or bond issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, of The Ohio Casualty Insurance Company do hereby certify that this power of attorney executed by said Company is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Company this 25th day of October, 2019.



By:

Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-810-832-8240 between 9:00 am and 4:30 pm EST on any business day.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 333 South Grand Avenue, Suite 3400, Los Angeles, CA 90071.

A true and correct copy of the foregoing document entitled (*specify*): **APPLICATION BY CHAPTER 7 TRUSTEE FOR AUTHORITY TO EMPLOY R.L. SPEAR CO., INC. AS AUCTIONEER; TO AUTHORIZE PUBLIC SALE BY AUCTIONEER AND TO PAY AUCTIONEER UPON CONCLUSION OF SALE IN ACCORDANCE WITH THE TERMS HEREOF; STATEMENT OF DISINTERESTEDNESS; DECLARATION IN SUPPORT THEREOF** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) April 15, 2021 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Stephen L Burton on behalf of Debtor Simply Hybrid, LLC
steveburtonlaw@aol.com, ellie.burtonlaw@gmail.com

Elissa Miller (TR)
CA71@ecfbis.com, MillerTrustee@Sulmeyerlaw.com;C124@ecfbis.com;ccaldwell@sulmeyerlaw.com

United States Trustee (LA)
ustpreion16.la.ecf@usdoj.gov

☐ Service information continued on attached page.

2. SERVED BY UNITED STATES MAIL:

On (*date*) April 15, 2021, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page.

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

April 15, 2021

Date

Cheryl Caldwell

Printed Name

/s/Cheryl Caldwell

Signature

ADDITIONAL SERVICE INFORMATION (if needed):

2. SERVED BY U.S. MAIL

Debtor

Simply Hybrid, LLC
150 W Ivy Avenue
Inglewood, Ca 90302-2907

All Creditors

Ali Saman
1824 Fairford Drive
Fullerton, CA 92833-1511

Ottmar Benavides c/o
Law Offices of Benjamin Davidson
8383 Wilshire Blvd, Suite 830
Beverly Hills, CA 90211-2445

William Becker
Attorney at Law
2711 North Sepulveda Blvd Suite
236
Manhattan Beach, CA 90266-2725

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

333 South Grand Avenue, Suite 3400, Los Angeles, CA 90071

A true and correct copy of the foregoing document entitled: **NOTICE OF OPPORTUNITY TO REQUEST A HEARING ON MOTION [LBR 9013-1(o)]** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* April 15, 2021, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page.

2. **SERVED BY UNITED STATES MAIL**:

On *(date)* April 15, 2021, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page.

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** *(state method for each person or entity served)*: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

04/15/2021
Date

Cheryl Caldwell
Printed Name

/s/ Cheryl Caldwell
Signature

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

Stephen L Burton on behalf of Debtor Simply Hybrid, LLC
steveburtonlaw@aol.com, ellie.burtonlaw@gmail.com

Elissa Miller (TR)
CA71@ecfbis.com, MillerTrustee@Sulmeyerlaw.com;C124@ecfbis.com;ccaldwell@sulmeyerlaw.com

United States Trustee (LA)
ustpregion16.la.ecf@usdoj.gov

2. SERVED BY U.S. MAIL

Debtor
Simply Hybrid, LLC
150 W Ivy Avenue
Inglewood, Ca 90302-2907

All Creditors

Ali Saman
1824 Fairford Drive
Fullerton, CA 92833-1511

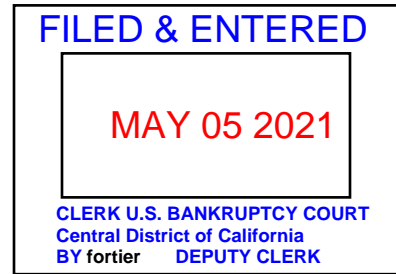
Ottmar Benavides c/o
Law Offices of Benjamin Davidson
8383 Wilshire Blvd, Suite 830
Beverly Hills, CA 90211-2445

William Becker
Attorney at Law
2711 North Sepulveda Blvd Suite 236
Manhattan Beach, CA 90266-2725

EXHIBIT C

Elissa D. Miller
emiller@sulmeyerlaw.com
333 South Grand Avenue, Suite 3400
Los Angeles, California 90071
Telephone: 213.626.2311
Facsimile: 213.629.4520

Chapter 7 Trustee



UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION

In re

SIMPLY HYBRID, LLC,

Debtor.

Case No. 2:21-bk-11697-BR

Chapter 7

**ORDER GRANTING APPLICATION BY
CHAPTER 7 TRUSTEE FOR AUTHORITY
TO EMPLOY R.L. SPEAR CO., INC. AS
AUCTIONEER; TO AUTHORIZE PUBLIC
SALE BY AUCTIONEER AND TO PAY
AUCTIONEER UPON CONCLUSION OF
SALE IN ACCORDANCE WITH THE
TERMS HEREOF**

[Relates to Docket Nos. 15 & 20]

Auction Date: May 11, 2021. 2:00 a.m.

No Hearing Date Required]

The "*Application By Chapter 7 Trustee For Authority To Employ R.L. Spear Co., Inc. As Auctioneer; To Authorize Public Sale By Auctioneer And To Pay Auctioneer Upon Conclusion Of Sale in Accordance with the Terms Hereof; Statement Of Disinterestedness; Declaration In Support Thereof*" (the "Application") [Dkt. No. 15] filed by Elissa D. Miller, the Chapter 7 Trustee (the "Trustee") for Simply Hybrid, LLC. (the "Debtor") pursuant to which she seeks authority to retain R.L. Spear Co., Inc. ("Spear") came on regularly before the Court.

1 The Court read and considered the Application and noted that no opposition,
2 objection or request for hearing was filed and finding that good and adequate cause
3 appearing therefore,

4 **HEREBY ORDERS** that:

- 5 1. The Application is approved;
- 6 2. R.L. Spear is employed as the estate's auctioneer to auction the estate's
7 assets as set forth in the Application;
- 8 3. Spear is authorized to conduct the sale as an internet auction;
- 9 4. Spear shall be entitled to receive a ten percent (10%) commission from the
10 estate, and a (13%) buyer's premium from the purchasers plus an expense allowance
11 from the estate of not to exceed \$2,000.00 and shall be paid as set forth in the
12 Application; and
- 13 5. The Trustee is authorized to take any and all other actions necessary or
14 appropriate to auction the automobiles consistent with the Application.

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24 Date: May 5, 2021



Barry Russell
United States Bankruptcy Judge

EXHIBIT D

1 Elissa D. Miller
2 *emiller@sulmeyerlaw.com*
3 333 South Grand Avenue, Suite 3400
4 Los Angeles, California 90071
5 Telephone: 213.626.2311
6 Facsimile: 213.629.4520

7 Chapter 7 Trustee

8 **UNITED STATES BANKRUPTCY COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION**

10 In re

11
12 SIMPLY HYBRID, LLC,

13
14 Debtor.

Case No. 2:21-bk-11697-BR

Chapter 7

**REPORT OF AUCTIONEER AND
APPLICATION FOR FEES AND
EXPENSES**

No Hearing Date Required]

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21 **TO THE HONORABLE BARRY RUSSELL, UNITED STATES BANKRUPTCY JUDGE,**
22 **THE OFFICE OF THE UNITED STATES TRUSTEE AND TO ALL PARTIES IN**
23 **INTEREST:**

24 R. L. Spear Co., Inc. ("Spear") hereby submits its report and respectfully
25 represents as follows:

26 1. Spear was employed by Elissa D. Miller Chapter 7 Trustee of the above
27 entitled estate pursuant to the pursuant to the "Order Granting Application By Chapter 7
28 Trustee For Authority To Employ R.L. Spear Co., Inc. As Auctioneer; To Authorize Public

1 Sale By Auctioneer And To Pay Auctioneer Upon Conclusion Of Sale in Accordance with
2 the Terms Hereof entered on May 5, 2021 [Docket No. 27] to conduct a sale of the
3 Debtor's personal property consisting of four used automobiles (the Assets.).

4 2. The *Auction* was duly noticed and conducted by Spear on May 11, 2021.

5 3. Attached hereto as Exhibit 1 is a true and correct copy of the auction report
6 ("Auction Report") prepared by Spear in connection with the Auction. The Auctioneer incurred
7 costs commission, buyer's premium, labor, advertising and a bond premium in the total amount of
8 \$15,960.76.

9 **WHEREFORE**, Spear requests that the Trustee be authorized to pay it the total
10 amount of \$15,960.76 for costs and expenses incurred as set forth herein.

11 DATED: May 17, 2021

R.L. Spear, Co., Inc.

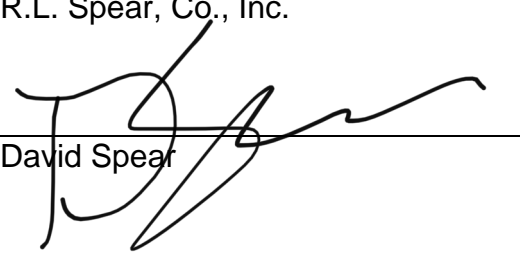
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14 David Spear
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EXHIBIT 1

Hammer	Buyers Prem	Total
\$ 8,659.00	\$ 1,125.67	\$9,784.67
\$ 10,400.00	\$ 1,352.00	\$11,752.00
\$ 8,450.00	\$ 1,098.50	\$9,548.50
\$ 26,973.43	\$ 3,501.87	\$30,439.30
\$ 54,482.43	\$7,078.04	\$61,524.71

Invoice	Type	Bidder Details	Item Total	Premium	Tax	Fees	Total	Paid	Balance	Status	Actions
05112021-1762-972 Emailed on May 11th, 2021 05:41 PM	1762	peter Vescio #1310, 9/2022	\$10,400.00	\$1,352.00	\$0.00	\$0.00	\$11,752.00	\$11,752.00	\$0.00		
05112021-6228-970 Emailed on May 11th, 2021 05:41 PM	6228	dane dunn	\$26,937.43	\$3,501.87	\$0.00	\$0.00	\$30,439.30	\$30,439.30	\$0.00		
05112021-17031-973 Emailed on May 11th, 2021 05:41 PM	17031	sakit bibra #4177, 7/2024	\$8,659.00	\$1,125.67	\$0.00	\$0.00	\$9,784.67	\$9,784.67	\$0.00		
05112021-18719-971 Emailed on May 11th, 2021 05:41 PM	18719	Kira Jai #7128, 7/2023	\$8,450.00	\$1,098.50	\$0.00	\$0.00	\$9,548.50	\$9,548.50	\$0.00		

Gross Total		\$61,524.71	\$61,524.71				
Less Buyer's Premium	\$	7,078.04	-7078.04				
Less Commssion	\$	7,082.72	-7082.72	\$ 54,482.43	x.13	\$	7,082.72
Less Expenses	\$	1,800.00	-1800				
Total to Estate			45563.95				

expenses	pick up	\$	600.00
	storage	\$	800.00
	cleaning	\$	100.00
	advertising	\$	200.00
	check out	\$	100.00

EXHIBIT E

1 Elissa D. Miller
2 *emiller@sulmeyerlaw.com*
3 333 South Grand Avenue, Suite 3400
4 Los Angeles, California 90071
5 Telephone: 213.626.2311
6 Facsimile: 213.629.4520

7 Chapter 7 Trustee

8 **UNITED STATES BANKRUPTCY COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION**

10 In re

11
12 SIMPLY HYBRID, LLC,

13
14 Debtor.

Case No. 2:21-bk-11697-BR

Chapter 7

**ORDER APPROVING TRUSTEE'S
RECOMMENDATION RE REPORT OF
AUCTIONEER AND COMPENSATION OF
AUCTIONEER FEES AND EXPENSES
AND EXONERATION OF AUCTIONEER'S
BOND**

[No Hearing Date Required]

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21 It appearing that Elissa D. Miller, Chapter 7 Trustee, did file a Report of Auctioneer
22 and Application for Fees and Expenses [Docket No.] ("Report of Auctioneer") there
23 being no objection to the allowance of the Report of Auctioneer, and the Court being fully
24 advised, and good cause appearing,

25 **IT IS HEREBY ORDERED:**

26 1. The Report of Auctioneer is in accordance with the Order of this Court and
27 is hereby approved;

1 2. The Trustee is authorized to pay to R.L. Spear Co., Inc. final expenses in
2 the total sum of \$15,960.76;

3 3. The Trustee is authorized to pay such expenses from the funds in her
4 possession; and

5 4. The Auctioneer's bond is exonerated.

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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 333 South Grand Avenue, Suite 3400, Los Angeles, CA 90071.

A true and correct copy of the foregoing document entitled (*specify*): **TRUSTEE'S RECOMMENDATION RE REPORT OF AUCTIONEER AND COMPENSATION OF AUCTIONEER FEES AND EXPENSES AND EXONERATION OF AUCTIONEER'S BOND** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) May 28, 2021, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Stephen L Burton steveburtonlaw@aol.com, ellie.burtonlaw@gmail.com

Krikor J Meshefejian kjm@lnbyb.com

Elissa Miller (TR) CA71@ecfbis.com,
MillerTrustee@Sulmeyerlaw.com;C124@ecfbis.com;ccaldwell@sulmeyerlaw.com

United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov

Edward M Wolkowitz emw@lnbyb.com

☐ Service information continued on attached page.

2. SERVED BY UNITED STATES MAIL:

On (*date*) May 28, 2021, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Debtor
Simply Hybrid, LLC
150 W Ivy Avenue
Inglewood, Ca 90302-2907

The Honorable Barry Russell
U.S. Bankruptcy Court
Roybal Federal Building
255 E. Temple Street, Suite 1660
Los Angeles, CA 90012

☐ Service information continued on attached page.

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

May 28, 2021

Cheryl Caldwell

/s/Cheryl Caldwell

Date

Printed Name

Signature